

Del Rio, Texas

Article II. Wells

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General Ordinance

Year Adopted: unknown

Revised: 1987

EXAMPLE 1

City of Del Rio Ordinance for the Adoption of Rules and Regulations Governing the Drilling of Water Wells and Plugging of Abandoned Wells within the Jurisdiction of the City.

ORDINANCE NO. 0:88-44

AN ORDINANCE IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW PROVIDING FOR THE AMENDMENT OF THE CHAPTER 29 OF THE DEL RIO CODE OF ORDINANCES; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS GOVERNING THE DRILLING OF WATER WELLS WITHIN THE JURISDICTION OF THE CITY OF DEL RIO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 1175, Subdivision 19, of the Texas Revised Civil Statutes states in pertinent part that a city has the power to prohibit the pollution of any stream, drain, or tributaries thereof, which may constitute the source of water supply of any city and to provide policing of same as well as to provide for the protection of any water sheds; and

WHEREAS, the City Council has expressed its desire for the City to regulate the drilling of water wells within the City's jurisdiction; and

WHEREAS, the City Council has reviewed and examined the proposed water well drilling regulations as set out herein to promote the health, safety, morals, and general welfare of the community and the safe, orderly, and healthful development of the City of Del Rio, Texas; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS THAT:

Section 1. Adoption of Water Well Drilling Regulations.

Chapter 29 of the Del Rio code of Ordinance is hereby amended, so that, as amended, Article 11

of Chapter 29 shall be entitled and shall read as follows:

Sec. 29-23 through 29-50 Reserved.

ARTICLE II.

WELLS

Sec. 29-51 Powers and Duties of City Council.

The City Council of the City of Del Rio or its designated agent or representative shall have the following powers:

(a) To make or have made examinations of all wells within the city and all wells outside the city limits which by law is under the jurisdiction of the city, privately owned or otherwise;

(b) To make or have made at any time the necessary analyses for test of water therefrom;

To go upon the land and property of the owner of a well for that purpose;

(d) To require the owner to furnish all information requested concerning a well, including, in the case of new wells, complete logs of the well showing depth to and depth through all geologic formations encountered;

(e) To supervise the construction, repair, abandonment and plugging of wells with and the operation of such wells. The Council shall keep a register of all wells within the area defined in sub-paragraph (a) above, which shall show the name of the owner, the location and the date of construction of each well, its depth and diameter, the purpose for which the well was constructed, and if abandoned, the date of such abandonment.

All acts authorized to be done by the City Council may be performed by such persons as may be authorized by such Council to act for it.

Sec. 29-52 Compliance with Article.

It shall be deemed a violation of this article for any person to fail or refuse to comply with any order of the City Council made in conformity with and under the authority of this article.

Sec. 29-53 Scope of Article.

The provisions of this article shall not apply to wells or other openings less than fifty feet in depth; provided, however, the owner of any proposed well less than fifty feet in depth shall be required to apply for and receive from the City Council a permit to construct such well, the application for which shall supply all the information required under Section 29-55, and for such permit the Council shall charge and receive the fee hereinafter provided for.

Sec. 29-54 Permit - Required for Work on Wells.

It shall be unlawful for any person to drill or otherwise construct, repair, correct, abandon or plug a well, or to engage upon such work, within the limits of the area defined in Section 29-51(a), or to employ anyone else to engage in such work, without first applying for and securing a permit from the City Council or a duly authorized agent thereof. Such permit may be granted with the approval of the City Council to any person who files with such Council the application hereinafter provided for and pays the fee hereinafter required, and complies with all other provisions of this article applicable to him.

Sec. 29-55 .Same - Application

Every application for a permit for the drilling, construction, repair and correction, abandonment of plugging of a well, shall state the name and address of the owner thereof, the purpose for which the permit is desired, which shall be done or more of the acts above-mentioned; the definite location of the well or proposed well; its approximate depth; and if for a permit for the drilling or construction or repair and correction of a water well, the estimated amount of water to be, or which is pumped daily, monthly or annually, and the use or uses for which the water will be or is required; if for a permit for the drilling or construction or for the repair and correction of a well, the proposed method of drilling or construction, or the proposed method of repair and correction, and the kind of equipment to be used, and in all cases, the name of the contractors, and the license number issued by the Texas Water Drillers Board, If done through a contractor, whom the owner desires to drill or construct, repair and correct, or do the work pursuant to an abandonment of a well in compliance with this article.

Sec. 29-56 Same - Inspection Before Issuance.

It shall be the duty of the City Council or its designated agent or representative to inspect the property where any well is to be drilled, sunk, dug, or bored and to refuse the issuance of a permit to drill, sink, dig or bore a well in a place which does not meet with its approval as to drainage and other sanitary conditions.

Sec. 29-57 Same - Execution.

All permits shall be executed in triplicate, one copy to be delivered to the applicant and two copies to be retained in the office of City Council.

Sec. 29-57 Same - Additional Permits.

It shall be unlawful for any applicant who obtains a permit to constructs a well of a certain depth, to extend such well to a depth exceeding the depth provided for in such permit without first obtaining an additional permit therefor.

Sec. 29-58 Same - Fees - Amounts.

The fees to be paid to the City Council for the permits required by this article shall be as follows:

1. Permit for the drilling or construction of a new well up to fifty feet deep, ten dollars.

2. Permit for the drilling or construction of a new well fifty feet deep to one hundred and fifty feet deep, twenty dollars.
3. Permit for the drilling or construction of a new well one hundred and fifty feet deep to four hundred feet deep, thirty dollars.
4. For the drilling or construction of a new well over four hundred feet deep, the fee last named and in addition thereto, for each one hundred feet or fraction thereof in excess of four hundred feet, ten dollars.
5. Permit to repair or correct a defective well, twenty dollars.
6. Permit to abandon or plug a well, five dollars.

Sec. 29-59 Same - Same - Disposition.

All fees and other money collected by the City Council by virtue of this article shall be expended by such Council to cover the expense of making examinations of wells within the city, to make or have made the necessary analyses and test of water therefrom, to supervise the construction, repair, abandonment and plugging of wells and their operation, and such other expenses as may be necessary to enforcement of this article.

Sec. 29-60 Casing of Wells Required.

Every well constructed, whether drilled, dug or excavated, which encounters salt water or water containing mineral or other substance injurious to health or vegetation, shall be securely plugged and sealed or cased in such manner that the waters be confined to the stratum or strata in which found, and all wells shall be so constructed and cased in such manner that the waters be confined to the stratum or strata in which found, and all wells shall be so constructed and cased so that no water from one stratum can by reason of the construction of the well come in contact with waters from another stratum. The casing shall be set in the top of the stratum from which water is to be taken and shall be cemented in place by suitable method to be approved by the City Council to the end that cement be forced up around the outside of the casing from the bottom of the casing to the surface of the ground so that all waters found in the strata, except that from which water is to be used, shall be sealed off one from the other by the cement, or, if a better method than cementing shall be scientifically developed to accomplish the purpose mentioned, such better method may be prescribed by the Council in lieu of cementing. The casing used shall be of weight per foot, not less than the following:

Size of Casing		Minimum Weight Per Foot
4	inch	10 pounds
5	inch	14 pounds
6	inch	18 pounds

8	inch	28	pounds
10	inch	40	pounds
12	inch	49	pounds
15	inch O.D.	60	pounds
18	inch O.D.	80	pounds
20	inch O.D.	89	pounds

The casing shall be mechanically continuous from the point of setting in the bottom of the well to a point not less than twelve inches above ground level and shall be so installed as to make impossible any leakage as against any pressures which may be encountered.

If casing is of two or more diameter sizes, the different sizes shall be connected with threaded nipples or be sealed with rubber, cement or lead or by some other manner satisfactory to the City Council.

Sec. 29-61 Wells Contaminating Other Water Sources.

Any well or other opening located inside the area defined in Sec. 29-51(a) which penetrates the underground water supply and which pollutes or contaminates any other well or the city's water supply, is declared a nuisance, and on notice to the owner of such well, or to the operator thereof, or to his agent in charge of the well or of the property on which it is situated, issued by the City Council such nuisance shall be abated by the owner within ten days from the date of such notice by filling and plugging the well or opening in the manner provided for in this article for abandoned wells; and if he shall fail to abate such nuisance within such time, or if after exercising reasonable diligence, the Council is unable to locate the owner or his agent, such Council shall have the right to go on the land or property upon which the well is situated and abate such nuisance in the manner provided and the owner thereof shall be liable to the City Council for the cost of such work and shall pay such cost upon demand.

Sec. 29-62 Defective Wells.

Every well whether dug or drilled, which for any reason does not completely prevent the mixing of water or other liquid from above and below the source of the city's water supply, or which for any reason would tend to pollute or contaminate any other well or the water in the source of the city's water supply, shall be considered a defective well and the City Council on its own initiative or upon information or complaint from any source may make such an examination of any well suspected of being defective and if such examination indicates in the opinion of the Council that the well is a probable source of contamination of the city water supply or any other well, or that the water from such well is unsafe for human consumption, shall issue written instructions to the owner or his agent in charge of such well or the property with the provisions of this article, and prescribe a time which in its judgement, under all the circumstances, is reasonable within which such instructions shall be complied with. It shall be unlawful for the owner or operator of such defective well to fail to comply with such instructions within the time prescribed by the City Council.

Sec. 29-63 Abandoned Wells.

An abandoned well is: (a) a defective well which, in the judgement of the City Council, cannot be corrected to comply with the requirements of this article, or (b) any well which has been continuously out of use for a period of six (6) months, or longer. Whenever any wells has not been in active use for more than two years, the owner or operator of such well shall report the fact to the Council. Every abandoned well shall be filled and plugged with such materials and in such manner, as, in the judgement of the Council, will prevent the pollution and contamination of the city's water supply or the contamination of any other well within the limits of the city, and such filling and plugging shall be done under the supervision of the Council and at the expense of the owner of such well.

Whenever the City Council shall receive notice from any source of the existence of an abandoned well which has not been plugged and filled in accordance with the provisions of this article, it shall notify the owner or agent in charge of such well or of the property upon which it is situated that such well is abandoned and shall instruct him to fill and plug such well in accordance with this article; and the owner or operator of such well shall comply with such order within sixty days after its date. Should he fail to so comply within such period or if, after using reasonable diligence, should the Council fail to locate the owner or the agent in charge of such well or of the property upon which the well is situated, the Council may go on the land or property upon which the well is situated and fill and plug such well in the manner required by this article. Whenever it becomes necessary for the Council to fill and plug any abandoned well the owner thereof shall be liable to the City Council for the cost of doing such work and shall pay such cost upon demand.

Sec. 29-64 Wells Outside City; Abating Nuisance, Drilling.

The owner or lessee of property on which any well heretofore drilled or that may be hereafter drilled outside the city which is found to be contaminating or polluting influence to the underground water-bearing strata from which the municipal water supply of the city is taken or drawn or may hereafter be taken or drawn, as well as the owner or lessee of all wells drilled inside the area defined in Sec. 29-51(a) shall be subject to all the provisions of sections 29-61 and 29-62 and all other provisions of this article relating to the protection of the water supply of the city, and any such contaminating well may be abated as provided therein. Any person desiring to drill a well outside of the city at any location within the radius of two miles outside the city, prior to drilling such well shall fully comply with all provisions of this article relating to the protection of the water supply of the city, and upon failure to do so shall be punished as provided herein.

Sec. 29-65 Wells Imposing Immediate Threat; Abating Nuisance.

Any well or other opening located inside the area defined in Sec. 29-51(a) which, in the sole opinion of the City Council or its agents, presents an immediate threat and menace to the health, morals, safety or general welfare of the public is declared a nuisance. The City Council or its agents shall have the right to go on property upon which such well is situated and abate the nuisance in a temporary manner. Such well shall thereafter be filled and plugged by the owner after the giving of required notice and in such manner set out in Sec. 29-63 hereof. The owner thereof shall be liable to the City Council for the cost of doing such temporary work under this

Section and shall pay such cost upon demand.

Sec. 29-66 .Violation and Penalties

A person who violates any of the provisions of this article is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10.00 nor more than \$2,000.00. Each day that a violation occurs constitutes a separate offense.

Section 2. Effective Date.

This ordinance shall become effective upon the expiration of ten (10) days after its passage.